

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
FEBRUARY 6, 2006
6:30 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Central Services Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner David Sandifer, Chairman
Commissioner Phil Norris, Vice-Chairman
Commissioner May Moore
Commissioner Tom B. Rabon, Sr.
Commissioner William M. Sue

STAFF: Marty K. Lawing, County Manager
Steve Stone, Assistant County Manager
Huey Marshall, County Attorney
Jana Berg, Assistant County Attorney
Debby Gore, Clerk to the Board
Ann Hardy, Fiscal Operations Director

Tony Cummings, Chief Deputy

I. CALL TO ORDER

Chairman Sandifer called the meeting to order at 6:30 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Vice-Chairman Norris gave the invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Sandifer asked if there were any adjustments to the agenda. The following adjustments were made:

1. The County Attorney explained that in VI-2 Item 4 (Z-462), the number 550 was inadvertently omitted from the second line and should read; *beginning approximately "550" feet east*. The Minutes will reflect the correction.
2. The County Attorney explained that Item V-B-1 has incorrect figures for Navassa Levy and Total. The Minutes will reflect the correct figures.
3. The County Attorney requested to add as item IX-2a, a Resolution Requiring Grantee's Address on Certain Conveyances. A Public Hearing was set for this Resolution for January 3, 2006; however, a different Resolution was adopted at that meeting that does not violate any Statute. This resolution has already had a Public Hearing.

Commissioner Moore moved to approve the Attorney's amendments. The vote of approval was unanimous.

4. Vice-Chairman Norris requested to table Item VIII-2, Southeastern Mental Health appointment.

Commissioner Sue moved to approve the agenda as amended. The vote of approval was unanimous.

IV. PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda.

1. Commissioner Sue introduced David Long, the new Mayor of the Town of Belville. Mr. Long thanked the Board for their support and is looking forward to working together with Brunswick County Government Staff.
2. Constance Reaves voiced concerns with impact fees that she feels were charged unfairly for lots located in a mobile home park in Leland. The Board directed the County Attorney to review all concerns with Ms. Reaves.
3. Mayor Debbie Smith of Ocean Isle Beach spoke in support of the Waterway Maintenance Resolution.

V. APPROVAL OF CONSENT AGENDA

Commissioner Sue moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

A. Minutes

- 1) January 03, 2006 – Regular Meeting – 6:30 p.m.
- 2) January 17, 2006 – Regular Meeting – 6:30 p.m.

B. Tax Matters

- 1) 2005 Valuation & Levy/Fire Fees

C. Finance

- 1) General Fund Amendment 48 Increase \$22,681

The District Attorney received \$22,681 of funds in a prior fiscal year that were unspent at fiscal year end and accrued to the county's general fund balance at fiscal year end. The department requests that the \$22,681 be appropriated in the current fiscal year for program expenditures in the District Attorney's budget. There are no additional county funds involved in this amendment.

- 2) General Fund Amendment 49 Increase \$2,000

The National Recreation and Park Association, Inc. awarded Brunswick County Parks and Recreation a grant in the amount of \$2,000 for the NFL Youth Football program. The grant award states that the County was chosen to receive the grant to recognize outstanding and innovative youth football programs and leagues developed on the local level. There are no matching funds required or additional county funds involved in this amendment.

- 3) General Fund Amendment 50 Increase \$65,526
Social Services Amendment 7 Increase \$5,477

The State of NC Department of Transportation notified Brunswick County of amounts awarded for each individual Rural Operating Assistance Program (ROAP) as follows:

EDTAP \$33,817, Work First \$5,477, Rural General Public (RGP) \$31,709. The total ROAP award is \$71,003.

Brunswick Transit System, Inc. recommended FY 05/06 ROAP funds of \$65,526 be allocated as follows:

Brunswick Interagency Program \$17,500, BSRI \$14,317, Brunswick Family Assistance Agency \$1,250, Southeastern, Mental Health \$750 and BTS \$31,709. The Work First program is administered by Brunswick County Social Services and will receive \$5,477. There are no additional county funds involved in these amendments.

4) General Fund Amendment 51 Increase \$3,000

The Soil and Water Department requests the appropriation of \$3,000 of miscellaneous revenue for expenditures of the NC Soil Judging Contest Event/Banquet to be held April 7-8, 2006 at West Brunswick High School. The \$3,000 of miscellaneous revenue is expected to be received from community donations and sponsorships. Current commitments have been received as follows: Brunswick Electric \$250, Production Credit \$1,000, NC Soil & Water Conservation \$1,000 for a total commitment of \$2,250. If funds are received as anticipated, no county funds will be required. There are no additional county funds involved in this amendment.

5) Health Fund Amendment 22 Increase \$7,906

The Health Department requests to appropriate excess revenue collected of \$7,906 in the miscellaneous vehicle fund to add to the current account appropriation balance remaining of \$52,094 for a total of \$60,000 toward the purchase of 3 new trucks and a computer for the department. The Board of Health voted unanimously to approve the requested appropriation. There are no additional county funds involved in this amendment.

6) General Fund Amendment 52 Increase \$15,283

The Sheriff's Department received a Bureau of Justice Assistance grant (CFDA # 16.738) for a Mobile Data Terminal Expansion Project in the amount of \$15,283. The grant award number is 2005-DJ-BX-1478. There are no additional county funds involved in this amendment.

7) Enterprise Capital Project Fund Amendment 17 Decrease \$260,436

The original amendment and project ordinance for the West Brunswick Regional Wastewater System projected \$613,834 from revenue bond premiums. The actual premium on the revenue bonds was \$353,398 or \$260,436 less than the projected amount. An amendment to reflect the actual amount for the budget and project ordinance is requested. The entry is for bookkeeping only and has no effect on actual amounts available for expenditure in the project. There are no additional county funds involved in this amendment.

8) Summary of Local Option Sales Tax Distribution

Sales tax proceeds totaling \$9,098,788 have been received through the month of November 2005. The annual budget for FY 05/06 is \$20,040,810 with 45.40% of the budget collected during the 5 month period. A summary of each article and the total is attached. The report is for information only.

9) Summary of Medicaid Expenditures

Disbursements for Medicaid Expenditures totaling \$2,106,076 have been made through the month of December 2005. The annual budget for FY 05/06 is \$4,440,000 for a total expended of 47.43% during the 6 month period. A summary is attached. The report is for information only.

D. Resolution – Maintenance of Waterways

Resolution supporting continued maintenance of the Atlantic Intracoastal Waterway, shallow-draft inlets and inlet crossings by the US Army Corps of Engineers.

RESOLUTION SUPPORTING CONTINUED MAINTENANCE OF THE ATLANTIC INTRACOASTAL WATERWAY, SHALLOW-DRAFT INLETS AND INLET CROSSINGS BY THE US ARMY CORPS OF ENGINEERS

WHEREAS, the US Army Corps of Engineers has historically maintained the Atlantic Intracoastal Waterway, 5 shallow-draft inlets and 8 inlet crossings in North Carolina at an adequate depth for commercial and recreational navigation purposes; and

WHEREAS, the continued maintenance of these navigable waterways is essential to the State of North Carolina's commercial barge traffic, commercial fishing industry, tourism industry, and quality of life of its residents, property owners, and visitors; and

WHEREAS, the approved Federal budget for FY 05-06 does not include sufficient funding to maintain these crucial waterways at an adequate depth, with only minimal funding made available that will not realistically begin to meet the needs that exist; and

WHEREAS, continued neglect of these waterways will only result in further shoaling and reduced navigability, thereby negatively impacting the companies that rely on the Atlantic Intracoastal Waterway for cost-effective transportation of goods and materials, the many commercial fishermen who depend on the navigability of these waterways to reach the open ocean, the thousands of recreational boaters who contribute to the State's vibrant tourism economy, and the local residents whose quality of life is greatly enhanced by the navigability of these waterways; and

WHEREAS, the continued maintenance of these navigable waterways is essential for protecting the safety of commercial and recreational boaters, and also enables the US Coast Guard to continue to fulfill its mission of patrolling America's coasts, enforcing safe boating regulations, and performing emergency rescue operations.

NOW, THEREFORE, BE IT RESOLVED that the Brunswick County Board of Commissioners urges the President and the United States Congress to recognize the immense economic, safety, and quality of life benefits associated with maintenance of these waterways, and urges them to appropriate sufficient funds in the FY 06-07 Federal budget and beyond to continue maintenance of the Atlantic Intracoastal Waterway, shallow-draft inlets and inlet crossings by the US Army Corps of Engineers.

Adopted this the 6th day of February, 2006.

s/David R. Sandifer, Chairman
Brunswick County Commissioners

Attest:

s/Deborah S. (Debby) Gore, Clerk to the Board

E. Resolution – Vision Exams in Schools

Resolution in opposition to a program, requiring vision exams for children prior to entering school.

RESOLUTION ON THE GOVERNOR'S VISION CARE PROGRAM

Whereas, good vision is required for many of life's functions, such as reading this Resolution, and the benefits of good health and good vision can never be understated, being an essential method of communication that keeps one in touch with the outside world, and

Whereas, the intent of the Governor's Vision Care Program is certainly worthy, the implementation of that program will pose logistical obstacles to the smooth operation of student admittance in the state's free public schools, and

Whereas, the provisions of that program clearly state that no student shall be admitted to the free public schools unless and until that child has had a vision examination within six months of the said

admittance, and all the while, that state's constitution and laws also clearly state that no child shall be denied admittance to the states free public schools, and

Whereas, how loosely can the term "free public schools" be used when the requirement of this program will no longer be free, as each student will incur an expense of approximately \$100 for this exam.

Now therefore, the Brunswick County Commissioners are hereby resolved to ask the legislative delegation of Brunswick County to reconsider this matter, and carefully review the costs of this program and its impact on school attendance in Brunswick County.

This the 6th day of February, 2006.

s/David R. Sandifer, Chair

Brunswick County Commissioners

Attest:

s/Deborah S. (Debby) Gore, Clerk to the Board, CMC

VI. PUBLIC HEARING

1. Public Housing – Closeout of FY03 CDBG Scattered Site Project - (Vonnie Fulwood)

I. CALL TO ORDER

Chairman Sandifer called the Public Hearing to order at 6:50 p.m. and explained that the purpose of the Hearing was to receive comments concerning the Closeout of FY 2004 CDBG Scattered Site Project.

Vonnie Fulwood, Public Housing Director explained that Brunswick County is at the close of the FY03 Community Development Scattered Site Block Grant #03-C-1127. The Scattered Site Housing grant funds were used to rehabilitate substandard stick built owner occupied dwellings and also for the relocation and clearance of dwellings that were dilapidated and could not be rehabilitated or repaired. The funds were used to address the most critical housing needs of very low income families. Those families consisted of elderly, disabled or handicapped families and a single parent whose primary income was social security from a deceased spouse.

There are four (4) homes which include modifications such as installing handicapped ramps, enlarging bathrooms for handicapped accessibility, new septic systems, new heating systems and house completely rehabilitated both interior and exterior. The average cost of the rehabilitation on these dwellings averaged \$33,000.00. Six (6) owner occupied dwellings were demolished and replaced with manufactured homes which were brick underpinned and set up as real property. The average cost of clearance and relocation was \$58,000.00. The FY03 Scattered Site grant funds have made it possible for ten (10) Brunswick County households to now live in standard housing.

The budget expenditure breakdown is as follows:

| | <u>Budgeted</u> | <u>Actual Cost</u> |
|----------------|---------------------|---------------------|
| Clearance | \$ 34,500.00 | \$ 33,139.83 |
| Relocation | \$316,932.00 | \$316,675.29 |
| Rehabilitation | \$148,763.00 | \$141,379.28 |
| Administration | <u>\$ 43,495.00</u> | <u>\$ 34,511.35</u> |
| Total | \$543,690.00 | \$525,705.75 |

The Certificate of Completion notifies the North Carolina Department of Commerce that we will deobligate \$17,984.25 from this grant as part of the closeout process.

II. PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone who wished to address the Board. There were no comments from the audience.

III. ADJOURN

Vice-Chairman Norris moved to adjourn the Public Hearing at 6:52 p.m. The vote of approval was unanimous.

2. Planning – Map Amendment Z-05-11 — (*Leslie Bell*)

I. CALL TO ORDER

Chairman Sandifer called the Public Hearing to order at 6:52 p.m. and explained that the purpose of the Public Hearing was to receive comments concerning the Proposed Map Amendment Z-05-11.

Commissioner Moore moved to recuse Vice-Chairman Norris from Item 1 and Item 3. The vote of approval was unanimous.

Leslie Bell, Planning Director explained the following.

Item 1 (Z-459 – Howard T. Capps) (Norris recused)

Item 1 is a map amendment initiated by the property owner. This change from RU (Rural) to R-6000 (Medium Density Residential) would allow for residential use of Tax Parcel 16800065 and portions of 1680006507 and 1680006502, beginning approximately 1073 feet northwest of the northwestern quadrant of Green Swamp Road (NC 211) and Ocean Highway West (US 17) and continuing 582.03 feet northwest fronting Green Swamp Road. Then 421.06 feet southwest, 530.78 feet northwest, 799.26 feet west, 723.70 feet north, 300 feet west, 301.47 feet north and 442.49 feet northwest fronting Big Macedonia Road (SR 1342). Then 300.23 feet south, 526.82 feet west, 671.82 feet southwest, 268.05 feet south, 421.60 feet southeast, 419.47 feet north, 1078.32 feet southeast, 177.39 feet north, 170.27 feet southeast, 950.25 feet northeast, 339.75 feet north, 60.84 feet east, 159.44 feet north, 452.43 feet east and 233.6 feet north back to the point of origin.

The area proposed for rezoning totals 60.13 acres.

Planning Board recommends approval for Tax Parcels 16800065 and portions of 1680006507 and 1680006502 (6 to 0 with Mr. Lewis being absent from the meeting).

Item 2 (Z-460 - Crystal Babson/Jim McSwain)

Item 2 is a map amendment initiated by the property owner and contains two (2) areas. This change from R-7500 (Low Density Residential) to MR 3200 (Multifamily Residential) will allow for multi-family use of Tax Parcels 230ME001, 230ME002, 230ME003, 230ME004, 230ME005, 2300007109 and 2300007118 (Requested by the Applicants) and Parcel 230ME00101 (Added by Staff).

Area one beginning approximately 694 feet east of the southeastern quadrant of Boones Neck Road (SR 1137) and Bowman Street SW and continuing 65.00 feet northeast fronting Bowman Road, then 554.93 feet southeast, 93.33 feet southwest and 543.78 feet northwest back to the point of origin.

Area two beginning at the northeastern quadrant of Boones Neck Road (SR 1137) and Harbour Estates Drive SW and continuing approximately 600 feet northeast fronting Boones Neck Road. Then approximately 250 feet south, 420 feet northeast, 2439.81 feet south and approximately 230.01 feet west fronting the Intracoastal Waterway. Continuing 161.00 feet north, 214.72 feet

northwest and 395.66 feet north to Harbour Estates Drive SW. Continuing along Harbour Estates Drive SW 565 feet north and then 410 feet north and 300 feet northwest back to the point of origin.

These areas total 17.64 acres.

Planning Board recommends approval for Tax Parcels 230ME001, 230ME002, 230MD003, 230ME004, 230ME005, 2300007109, 2300007118, and 230ME00101 (6 to 0 with Mr. Lewis being absent from the meeting).

Item 3 (Z-461 - Norris, Kuske & Tunstall Consulting Engineers, Inc.) (Norris recused)

Item 3 is a map amendment initiated by the property owner. This change from RU (Rural) to C-LD (Commercial Low Density) would allow for commercial use of Tax Parcel 2030001601, beginning 1464.13 feet north of the northwestern centerline of Southport-Supply Road (NC 211) and Midway Road (SR 1500) and continuing 209.33 feet north fronting Midway Road. Then 741.35 feet west, 20.35 feet southwest, 67.97 feet northwest, 232.56 feet southwest and 910.68 feet east back to the point of origin.

This tract encompasses 3.90 acres.

Planning Board recommends approval for Tax Parcel 2030001601 (6 to 0 with Mr. Lewis being absent from the meeting).

Item 4 (Z-462 - Wayne Smith)

Item 4 is a map amendment initiated by the property owner. This change from R-7500 (Low Density Residential) to C-LD (Commercial Low Density) will allow for commercial use of a portion of Tax Parcel 2110000606, beginning approximately 550 feet east and then approximately 200 feet north of the northeastern quadrant of Ocean Highway West (US 17) and Longwood Road (NC 904) and continuing 773.70 feet north, 589.97 feet northeast, 573.51 feet east, 965.51 feet south, 947.41 feet west and 236.59 feet southwest back to the point of origin.

This area totals 20.95 acres.

Planning Board recommends approval for Tax Parcel 211000606 (6 to 0 with Mr. Lewis being absent from the meeting).

Item 5 (Z-463 – Etd - Suzanne Prince)

Item 5 is a map amendment initiated by the property owner. This change from C-LD (Commercial Low Density) to MR-3200 (Multifamily Residential) would allow for multi-family use of Tax Parcels 232LA001, 232LA002, 232LA003 and 232LA00303, beginning approximately 418 feet east of the northeastern quadrant of Old Ferry Road (SR 1121) and B-Var Road (SR 1211) and continuing 293.5 feet north, 352.3 feet east, 640.8 feet south; and 249.70 feet west fronting the Intracoastal Waterway. Then 298.8 feet north and approximately 100 feet west back to the point of origin.

These tracts total 4.10 acres.

Planning Board recommends approval for Tax Parcels 232LA001, 232LA002, 232LA003, and 232LA00303 (6 to 0 with Mr. Lewis being absent from the meeting).

Item 6 (Z-464 - John Bortone)

Item 6 is a map amendment initiated by the property owner. This change from RU (Rural) to R-6000 (Medium Density Residential) will allow for residential use of Tax Parcel 1390007504, beginning approximately 270 feet southeast of the southwestern quadrant of Old Ocean Highway (US 17 Business) and George T. Bryant Road (SR 1510) and continuing 128.65 feet southeast fronting George T. Bryant Road. Then 103.77 feet southwest, 129.80 feet south, 150.00 feet southeast, approximately 107.3 feet east, 156.80 feet southeast fronting George T. Bryant Road, 1714.38 feet southwest, 303.84 feet north, approximately 152.42 feet west, 1486.15 feet northeast, 486.95 feet north and 107.22 feet northeast back to the point of origin.

This tract totals 12.88 acres.

Planning Board recommends approval for Tax Parcel 1390007504 (5 to 1 with Mrs. Franks opposing and Mr. Lewis being absent from the meeting).

Item 7 (Z-465 - HadenStanziale, PA)

Item 7 is a map amendment initiated by the property owner. This change from RU (Rural) to R-7500 (Low Density Residential) would allow for residential use of a portion of Tax Parcel 04600060, beginning approximately 500 feet northwest of the northwestern quadrant of Buckeye Road (SR 1415) and Chinaberry Lane NE and continuing 1728.93 feet west and approximately 3061.73 feet northwest along the run of Goodman Branch. Then 2115.00 feet north, 1320.42 feet northeast, 1473.34 feet north, 348.97 feet west, 1456.04 feet northeast, 1361.10 feet south and 2097.40 feet southeast to the Sunny Point Railroad right-of-way. Continuing 5565.47 feet south adjacent to the Sunny Point Railroad right-of-way, 104.66 feet west, 584.44 feet southwest, and 577.00 feet east and 1017.82 feet west back to the point of origin.

This request totals 558.8 acres.

Planning Board recommends approval for Tax Parcel 04600060 (6 to 0 with Mr. Lewis being absent from the meeting).

II. PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone in the audience who wished to address the Board regarding the proposed amendment. The following citizens addressed the Board:

1. Mr. Howard Capps spoke in support of Item 1 on behalf of the owners.
2. Suzanne Prince spoke in support of Item 5.
3. Fredrick Bryant spoke in behalf of his father, Emmett Bryant in opposition to Item 6 stating that they do not understand what will happen to the property.
4. Charles Bryant, General Contractor spoke in support of Item 6 and wants to develop the property to offer a better quality of life to residents.
5. Teresa Joyner voiced concerns of a right of way to her property with the rezoning of Item 6.
6. Adam Lisk spoke in support of Item 6 stating that sewer service and access will be provided to the area.

There was discussion regarding legalities of Item 6 and the County Attorney explained that if this were to be challenged, it is likely that the court would label this as “spot zoning.”

III. ADJOURN

Commissioner Sue moved to adjourn the Public Hearing at 7:12 p.m. The vote of approval was unanimous.

3. Planning – Zoning Ordinance Text Amendment Z-05-12

I. CALL TO ORDER

Chairman Sandifer called the Public Hearing to order at 7:13 p.m. and announced that the purpose of the Hearing was to receive comments concerning the Proposed Zoning Ordinance Text Amendment Z-05-12.

Leslie Bell, Planning Director explained that the proposed changes are to bring the current Brunswick County Zoning Ordinance into compliance with new Planning Legislation in S.B.814 and S.B.518 effective January 1, 2006.

Item 1 is a text amendment to Article 3. Decision-Making and Administrative Bodies, Section 3.2. (B) Planning Board to insert two (2) additional guiding principals to Section 3.2 of the Zoning Ordinance as a result of the state statutory changes to 1) ensure consistency of the proposed amendment with the Comprehensive Plan or any other adopted land use document and 2) ensure reasonability of the proposed amendment as it relates to the Comprehensive Plan and in the public interest.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Item 2 is a text amendment to Article 3. Decision-Making and Administrative Bodies, Section 3.3 Board of Adjustment to insert the authority to subpoena witnesses and compel the production of evidence in relation to the Board of Adjustment as a result of the state statutory changes.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Item 3 is a text amendment to Article 5. Development Standards, Section 5.27 Design Standards, add Item (L) "Development Agreements", giving the authority to have development agreements as a result of the state statutory changes. Development Agreements may be considered as specified in N.C.G.S. 153A-376 in accordance with the following minimum criteria:

1. The property must have at least 25 developable acres (excluding wetlands, unbuildable slopes, etc.).
2. The Development Agreements shall be limited to a term not exceeding 20 years.
3. Development Agreements are subject to public hearing procedures set forth in N.C.G.S. 153A-323 and must be adopted by the Brunswick County Board of Commissioners.
4. Development Agreements are binding and must be recorded at the Brunswick County Register of Deeds. Once executed, the agreement shall run with the property, never the person or corporation.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

II. PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone in the audience who wished to address the Board regarding the proposed amendment. There were no comments from the audience.

III. ADJOURN

Commissioner Sue moved to adjourn the Public Hearing at 7:14 p.m. The vote of approval was unanimous.

4. Planning – Subdivision Ordinance Text Amendment 05-01 - (Leslie Bell)

I. CALL TO ORDER

Chairman Sandifer called the Public Hearing to Order at 7:15 p.m. and announced that the purpose of the Public Hearing was to receive comments concerning the Proposed Subdivision Ordinance Text Amendment 05-01.

Leslie Bell, Planning Director explained that the proposed changes are to bring the current Brunswick County Subdivision Ordinance into compliance with new Planning Legislation in

S.B.814 and S.B.518 effective January 1, 2006 (Items 1 through 4. Items 5, 6, and 7 are local recommendations unrelated to S.B.814 and S.B.514).

Item 1 is a subdivision amendment to Article I, General Provisions, Section 1-11 (Definitions), Item 76 to revise the definition of subdivision as a result of the state statutory changes to clarify that a creation of a single lot new parcel is considered a subdivision.

There were no public comments.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Item 2 is a subdivision amendment to Article I, General Provisions, Section I-9 (Exclusions & Exceptions), Item 10 to remove the minimum acreage sale exception as a result of the state statutory changes to clarify that the creation of a single new parcel is considered a subdivision. Current exception conflicts with Item 1 above.

There were no public comments.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Item 3 is a subdivision amendment to Article 3, Required Improvements & Minimum Standards of Design, Section III-4 (Subdivision Design) to add Item 4.4 to insert the authority to have development agreements as a result of the state statutory changes.

There were no public comments.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Item 4 is a subdivision amendment to Article IV, Administrative Provisions, Section IV-4 (Penalties for Violation), Item 4.1. to remove wording to allow pre-sale and pre-lease contracts of lots prior to final plat approval and recordings to Section IV-4 of the Subdivision Ordinance as a result of the state statutory change.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Item 5 is a subdivision amendment to Article II, Procedure for Review & Approval of Plats, Section II-3 (Minor Subdivision Procedure), Item 3.5 (J) to remove the address of owner for a minor subdivision final plat approval.

There were no public comments.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Item 6 is a subdivision amendment to Article II, Procedure for Review & Approval of Plats, Section II-4 (Major Subdivision Procedure), Item 4.2(B) (14) to remove the address of owner for a major subdivision preliminary plat approval.

There were no public comments.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Item 7 is a subdivision amendment to Article II, Procedure for Review & Approval of Plats, Section II-4 (Major Subdivision Procedure), Item 4.3(C) (12) to remove the address of owner for a final plat major subdivision approval.

There were no public comments.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

II. PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone in the audience who wished to address the Board regarding the proposed amendment. The following citizens spoke:

1. Lewis Dozier voiced concerns regarding owner address removal (Item 6). Mr. Bell explained that some surveyors had expressed a difficulty in following an address after citizens relocate.

There were brief discussions regarding family exemptions, leases, contracts and presale of properties.

III. ADJOURN

Commissioner Sue moved to adjourn the Public Hearing at 7:24 p.m. The vote of approval was unanimous.

VII. ADMINISTRATIVE REPORT

1. Public Housing – Closeout of FY03 CDBG Scattered Site Project - (*Vonnie Fulwood*)

Staff recommends that the Board of Commissioners approve to closeout the FY 03 Community Development Block Grant Scattered Site Project.

Commissioner Moore moved to approve closeout of the Fiscal Year 2003 Community Development Block Grant Scattered Site Project. The vote of approval was unanimous.

2. Planning – Map Amendment Z-05-11 — (*Leslie Bell*)

Staff recommends that the Board of Commissioners approve Second Reading of Map Amendment Z-05-11.

Commissioner Sue moved to recuse Vice-Chairman Norris from Item 1 and Item 3. The vote of approval was unanimous.

Commissioner Sue moved to approve Item 1 that is:

1. Consistent with the CAMA Land Use Plan as the area is in transition.
2. In the public's interest as water is available via a 12-inch Brunswick County water line. Sewer will be available via a Brunswick County main transmission line that is anticipated to be operational in February 2006.

The vote of approval was unanimous (4 ayes) Norris recused.

Commissioner Sue moved to approve Item 2 that is:

1. Consistent with the CAMA Land Use Plan as the area is in transition.
2. In the public's interest as water is available via a 12-inch Brunswick County water line. Sewer will be available via a Brunswick County main transmission line that is anticipated to be operational in February 2005 on Boones Neck Road.

The vote of approval was unanimous.

Commissioner Sue moved to approve Item 3 that is:

1. Consistent with the CAMA Land Use Plan as the area is in transition.
2. In the public's interest as water is available via a 16-inch Brunswick County water line. Sewer will be available via a Brunswick County main transmission line that is anticipated to be operational in February 2006 at the corner of Southport-Supply Road (NC211) and Midway Road (SR 1500).

The vote of approval was unanimous (4 ayes) Norris recused.

Commissioner Sue moved to approve Item 4 that is:

1. Consistent with the CAMA Land Use Plan denotes the front portion of the parcel as “Highway Oriented Services” and the rear portion of the parcel as an: Area of Town and Village Clusters.”

2. In the public’s interest as water is available via a 20-inch Brunswick County water line. Sewer is not currently available.

The vote of approval was unanimous.

Commissioner Sue moved to approve Item 5 that is:

1. Consistent with the CAMA Land Use Plan as it denotes the parcel as an “Area of Town and Village Clusters.”

2. In the public’s interest as water is available via an 8-inch Brunswick County water line. A Brunswick County sewer main transmission line from Holden Beach Road will be extended to Old Ferry Road in early 2006.

The vote of approval was unanimous.

Commissioner Sue moved to deny Item 6 in that it is spot zoning. The vote of approval was unanimous.

Commissioner Sue moved to approve Item 7 that is:

1. Consistent with the CAMA Land Use Plan as it denotes the area as “Rural” and “Conservation and Resource Management Area.”

2. In the public’s interest as water could be extended from a 36-inch Brunswick County water line located on the Sunny Point Railroad right-of-way. Sewer is not available to this parcel.

The vote of approval was unanimous.

3. Planning – Zoning Ordinance Text Amendment Z-05-12 – (Leslie Bell)

Staff recommends that the Board of Commissioners approve Second Reading of Zoning Ordinance Text Amendment Z-05-12.

Commissioner Moore moved to approve Second Reading and Adoption of Zoning Ordinance Text Amendment Z-05-12. The vote of approval was unanimous.

4. Planning – Subdivision Ordinance Text Amendment 05-01 - (Leslie Bell)

Staff recommends that the Board of Commissioners approve Second Reading of Subdivision Ordinance Text Amendment 05-01.

Commissioner Moore moved to approve Second Reading and Adoption of Subdivision Ordinance Text Amendment 05-01. The vote of approval was unanimous.

5. Planning – Map Amendment Z-06-01 - (Leslie Bell)

Staff recommends that the Board of Commissioners set a Public Hearing date of March 6, 2006 at 6:30 p.m. for Map Amendment Z-06-01.

Leslie Bell, Planning Director explained the following:

Item 1 (Z-466 – Coastal Land Design, PLLC)

Item 1 is a map amendment initiated by the property owner. This change from RU (Rural) to R-7500 (Low Density Residential) would allow for residential use of a portion of Tax Parcel 18600016 beginning 473.13 feet south of the southeastern quadrant of Clemmons Road (SR 1505) and Old Lennon Road (SR 1504) and then continuing approximately 515 feet south fronting Clemmons Road, then 1566.71 feet southeast, 750.98 feet east, 320.61 feet north,

2407.41 feet east, 1456.28 feet southwest, 869.6 feet west, 1423.06 feet south, 2111.34 feet east, 825.26 feet south, 2133.07 feet east, 1484.8 feet east, 2045.8 feet south, 719.04 feet east and 474.64 feet south. Continuing approximately 3198.12 feet east, 2802.73 feet north, 1685.02 feet west, 819.3 feet northeast, 1182.87 feet northwest, 588.07 feet north, 224.38 feet west, 1165.91 feet southwest, 589.22 feet northwest, 525.33 feet east, 771.87 feet north, 178.83 feet west, 449.56 feet southwest, 400.00 feet west, 1085.00 feet northwest and 924.06 feet west. Then 1911.06 feet northwest, 2930.32 feet north, 2248.39 feet northwest crossing Clemmons Road and then crossing Gilbert Road (SR 1504), 95.35 feet northeast, 668.68 feet north, 339.46 feet west, 390.9 feet southeast crossing over Gilbert Road, 2078.67 feet west, 360.14 feet south, 465.18 feet southwest following the old run of Dark Bay Branch, 402.42 feet west, 1524.13 feet southwest, 550.56 feet northwest and 116.03 feet west, back to the point of origin. This area encompasses 1366.57 acres.

Planning Board recommends approval for a portion of Tax Parcel 18600016 (5 to 1 with Mr. Loyack opposing and Mr. Long being absent from the meeting).

Item 2 (Z-467 – Coastal Land Design, PLLC) [Revised]

Item 2 is a map amendment initiated by the property owner. This change from RU (Rural) to ~~C-
LD (Commercial Low Density)~~ R-7500 (Low Density Residential) would allow for residential use of a portion of Tax Parcel 18600016, beginning approximately 50 feet northwest of the northwestern quadrant of Southport-Supply Road (NC 211) and Mosquito Branch Road SE (SR 1111) and continuing 1055.71 feet west fronting Southport-Supply Road. Then 1996.45 feet northwest, approximately 1267 feet northeast, 1506.29 feet southeast, 2146.73 feet south and 248.63 feet southwest back to the point of origin. This area consists of 67.90 acres.

Planning Board recommends approval for a portion of Tax Parcel 18600016 to be rezoned to R-7500 (Low Density Residential) (6 to 0 with Mr. Long being absent from the meeting).

Item 3 (Z-468 – Hickory Trail Partners, LLC)

Item 3 is a map amendment initiated by the property owner. This change from RU (Rural) to R-7500 (Low Density Residential) would allow for residential use of Tax Parcel 21700116 beginning approximately 100 feet southeast of the southeastern quadrant of Sunset Harbor Road (SR 1112) and Mulligan Way and continuing approximately 100 feet southeast fronting Sunset Harbor Road. Then approximately 1020 feet southwest, 150 feet north, 50 feet west, 100 feet south, 170 feet southwest, 300 feet south and 200 feet west to Cox's Landing Road (SR 1182). Then 400 feet southwest, 450 feet southeast, 200 feet north, 470 feet east, 710 feet north and approximately 1250 feet northeast back to the point of origin. This encompasses 9.38 acre

Planning Board recommends approval for Tax Parcel 21700116 (6 to 0 with Mr. Long being absent from the meeting).

Item 4 (Z-469 – Jeffrey P. Warner) [Revised]

Item 4 is a map amendment initiated by the property owner. The change from RU (Rural) to R-7500 (Low Density Residential) Tax Parcels 1860002102, 2020000103 and 2020000107 (Requested by Applicant); and ~~2020000105~~, 2020000102, 2020000109, 1860002101 (Added by Staff) beginning approximately 1670 feet south and continuing approximately 1216 feet southwest of the southeastern quadrant of Southport-Supply Road (NC 211) and Sunset Harbor Road (SR 1112) and continuing approximately 950 feet southwest fronting Sunset Harbor Road (SR 1112). Then approximately ~~4400~~ 370 feet southeast, 210 feet northeast, 150 feet southeast, ~~50 feet west~~, 140 feet southwest, ~~70~~ 800 feet south, 50 feet west, ~~30 feet east~~, 370 140 feet southwest, 70 feet south, 30 feet east, 370 feet southwest and 150 feet west. Continuing approximately 1550 feet south, 1165 feet northeast, 1450 feet south, approximately 1980 feet northeast, 1482.78 feet northwest, 242.63 feet east and 1103.91 feet northwest back to the point of origin. This area totals ~~84.33~~ 83.82 acres. [Revised]

Planning Board recommends approval for Tax Parcels 1860002102, 2020000103, 2020000107, 2020000102, 2020000109, and 1860002101 (6 to 0 with Mr. Long being absent from the meeting).

Item 5 (Z-470 – Avalon Land Development, LLC/Jerry Haire)

Item 5 is a map amendment initiated by the property owner. This change from RU (Rural) to R-6000 (Medium Density Residential) for Tax Parcel 18500021 (Requested by Applicant) and 1850002203 and the rear portion of 1850002205 (Added by Staff) beginning approximately 400 feet west of the northwestern quadrant of Southport-Supply Road (NC 211) and Deer Trot Road SE and continuing 1800 feet east fronting Southport-Supply Road. Then 350 feet northeast, 750 feet east, 940 feet north, 740 feet west, 760 feet north, 350 feet west, 1963 feet northwest and 2289 feet south back to the point of origin. This area totals 112.28 acres.

Planning Board recommends approval for Tax Parcels 18500021, 1850002203, and the rear portion of 1850002205 (6 to 0 with Mr. Long being absent from the meeting).

Commissioner Moore moved to approve First Reading of the Proposed Map Amendment Z-06-01 and set a Public Hearing for March 6, 2006 at 6:30 p.m. (later corrected to March 9, 2006 at 10:00 a.m.) The vote of approval was unanimous.

6. Finance –Cable Franchise Agreements - (Ann Hardy)

Staff recommends that the Board of Commissioners approve second reading of amendments to the cable agreements and corresponding ordinances with Atlantic Telephone Membership Corporation, Telemedia Corporation, Time Warner and ACC Cable Communications FL-VA to change the franchise fee from 3% to 5% effective March 1, 2006. In addition, it is recommended that the ordinances be amended to provide for payments of franchise fees quarterly and to define gross subscriber revenues to include all legally allowable amounts. ACC Cable Communications is recommended to continue to remit annual payments of franchise fees due to the small amount of collections in the County.

Ann Hardy, Fiscal Operations Director explained that effective January 1, 2006, the gross receipts from providing cable service are subject to a North Carolina sales tax at the combined general rate of 7%. Cable service is defined as the one-way transmission to subscribers of video programming or other programming service and any subscriber interaction required to select or use the service. Taxable cable services include basic, extended, premium, digital, and pay-per-view movie and special event program service. The billing period of the cable service determines when the 7% tax on cable services is to be first applied. On billings made on or after February 1, 2006, the 7% sales tax will be due on charges for prepaid services for periods beginning on or after February 1, 2006 and on charges for non-prepaid services delivered on or after January 1, 2006.

A cable service provider is allowed a credit against the 7% sales tax for the amount of local franchise tax payable on the gross receipts for cable services that are subject to sales tax. Cable service providers will remit sales tax due on the gross receipts from cable services to the NC Department of Revenue. Firms will report the total amount of receipts and tax due at the 7% rate and take a credit for any local franchise taxes payable.

Atlantic Telephone Membership Corporation, Telemedia Corporation of Delaware, Time Warner Cable and ACC Cable Communications FL-VA currently provide cable service to Brunswick County customers. Each provider pays a 3% fee to Brunswick County per the current franchise agreement. Franchise fees earned by the county were \$199,047 in FY 02/03, \$182,251 in FY 03/04 and \$218,647 in FY 04/05. Local governments may charge a maximum franchise fee of

5%. Under the new law, the cable operator collects 7% and distributes up to 5% to localities and the remainder to the State. If the County's franchise fee stays at 3%, the State will receive 4%. If the County's franchise fee is raised to 5%, the State will receive 2%. Under both situations, the cable customers will pay 7%. The cable providers were contacted and agreed to amend the current franchise agreement from 3% to 5%.

This item was presented for first reading on January 17, 2006. Staff recommends the Board of Commissioners consider for approval the second reading of amendments to the cable agreements and corresponding ordinances with Atlantic Telephone Membership Corporation, Telemedia Corporation, Time Warner and ACC Cable Communications FL-VA to change the franchise fee from 3% to 5% effective March 1, 2006. In addition, it is recommended that the ordinances be amended to provide for payments of franchise fees quarterly and to define gross subscriber revenues to include all legally allowable amounts. ACC Cable Communications is recommended to continue to remit annual payments of franchise fees due to the small amount of collections in the County.

Commissioner Sue moved to approve Second Reading of the Cable Agreements and Corresponding Ordinances with Atlantic Telephone Membership Corporation, Telemedia Corporation, Time Warner and ACC Cable Communications FL-VA to change the franchise fee from 3% to 5% effective March 1, 2006 and to amend the ordinances to provide for payments of franchise fees quarterly and to define gross subscriber revenues to include all legally allowable amounts and approve ACC Cable Communications to continue to remit annual payments of Franchise Fees. The vote of approval was unanimous.

7. West Brunswick Regional Wastewater – Reimbursement Resolution – (Ann Hardy)

Staff recommends that the Board of Commissioners approve the West Brunswick Regional Wastewater Treatment Plant Phase 2 Reimbursement Resolution.

Ann Hardy, Fiscal Operations Director explained that Jerry Pierce, Director of Public Utilities provided a listing of tasks, proposed contract dates and estimated costs for the various improvements to the West Brunswick Regional Wastewater Treatment Plant to the Finance Officer. The source of funds for the various tasks outlined is anticipated to be tax-exempt obligations of Brunswick County (Revenue Bonds.)

Revenue bonds may be sold after projects are designed and bids are received by the County. Therefore, it is anticipated that the County will incur project related expenditures prior to the sale of the bonds. The expenditures may include engineering design fees, land purchase costs, survey fees, site testing, etc.

The County has funds available for appropriation in the retained earnings of the Water Enterprise Fund that may be advanced for the benefit of the project through appropriation by the Board of Commissioners. It is recommended if the Commissioners advance funds, the funds are returned to the Water Enterprise Fund upon the sale of the bonds. Mr. Donald Ubell, Bond Counsel, was consulted and advised the Board of Commissioners consider a reimbursement resolution for approval. The intent of the resolution is to allow the County to advance funds to the project and repay itself upon obtaining financing.

Vice-Chairman Norris moved to approve the West Brunswick Regional Wastewater Treatment Plant Phase 2 Reimbursement Resolution. The vote of approval was unanimous.

8. Revenue – 2005 Property Tax Liens – Request to Advertise – (Tom Bagby)

Staff recommends that the Board of Commissioners approve the request to advertise tax liens that remain delinquent on March 31, 2006.

Tom Bagby, Tax Collector explained that as required by General Statute 105-369 (a) the Tax Collector must receive approval to advertise tax liens that remain delinquent on March 31, 2006.

Commissioner Sue moved to approve the request to advertise delinquent tax liens. The vote of approval was unanimous.

9. Sheriff – Grant Project – (Tony Cummings)

Staff recommends that the Board of Commissioners approve the Lower Cape Fear Gang Suppression, Intervention and Education Project Grant application.

Chief Deputy Tony Cummings and Sgt. Mark Trull explained the Lower Cape Fear Gang Suppression, Intervention and Education Project Grant as follows:

Governor's Crime Commission -This grant will fund a full time Detective to specialize in gang education, training and suppression. BCSO will provide vehicle and accompanying equipment. The 25% cash match will be satisfied by committed funding in the NH County budget for FY 06/07 to the Lower Cape Fear Gang SIE project. This is a two-year project, with a second and third request for funding being made at expiration of the first grant from the GCC.

Bureau of Justice Assistance – This grant will fund a full time G.R.E.A.T officer to conduct the GREAT curriculum in Brunswick County Schools. The 10% match will be 'in-kind' services provided by budgeted funds in New Hanover County's Budget. This is a one-year project, and we anticipate making yearly requests for additional funding from BJA.

NC Dept. of Juvenile Justice and Delinquency Prevention - This grant will fund various educational activities for Brunswick County Children with the DREAMS program in NH County. It will also cover part of the salary and benefits for a Case Manager dedicated to Brunswick County. This is a two-year project for FY 06/07 and 07/08 and an additional grant request will be made at the expiration of the first grant. This grant requires a local cash match of \$6,250 from Brunswick County for FYs 06/07 and 07/08. New Hanover County will serve as the fiscal agent for all 3 counties on this grant. An interagency agreement will be required upon award of the grant.

Commissioner Moore moved to approve the Lower Cape Fear Gang Suppression Intervention and Education Project Grant Application. The vote of approval was unanimous.

10. Emergency Services – Medtronic Physio Control - Amendment - (Brian Watts)

Staff recommends that the Board of Commissioners approve an amended service agreement with Medtronic Physio Control for Lifepak 12, Lifepak 300, and Lifepak 500 maintenance.

Brian Watts, EMS Deputy Director explained that on July 2005, the Board approved a service agreement for the Lifepak 12 and Lifepak 300 defibrillators. In December 2005, the contract for Lifepak 500's expired. For sake of consistency and to have all three agreements expire at the same time, the vendor has amended the agreement to include all covered units.

The total amount for this agreement is \$14,157.22 and the County has already paid \$12,157.22 leaving a balance of \$2,000.

Commissioner Rabon moved to approve the amended service agreement with Medtronic Physio Control for Lifepak 12, Lifepak 300 and Lifepak 500 maintenance from funds already budgeted in the EMS budget. The vote of approval was unanimous.

11. Emergency Services – Rural Fire Insurance Districts - (*Scott Garner*)

Staff recommends that the Board of Commissioners approve the countywide updates to the Rural Fire Insurance Districts.

Scott Garner, Deputy Director/Fire Marshall explained that the purpose of this request is to update the Rural Fire Insurance Districts in Brunswick County. This change allows the mapping process to go from a point map and written description to a parcel based map using GIS technology. This also creates two new rural districts separating the current rural districts from the municipalities that are associated with them.

Where applicable this request also adds in the area that can be expanded to a six mile insurance district allowing the classification rating to be reduced from a class 10 fire insurance area to a class 9E. These maps have been approved by the North Carolina Department of Insurance and upon Board approval they will schedule the required inspections to change to the six-mile insurance district.

Commissioner Sue moved to approve the Countywide updates to the Rural Fire Insurance Districts. The vote of approval was unanimous.

12. Emergency Services – Priority Evacuation Routes - (*Randy Thompson*)

Staff recommends that the Board of Commissioners approve the list of street locations provided as our selection of priority evacuation routes to be examined by the Department of Transportation which were previously affected by flood waters.

Randy Thompson, EMS Director explained that during and following the impact of Tropical Storm Tammy on Brunswick County, over eighty (80+) roadways within our county were affected by flood waters. This place a huge demand on emergency services operations and made the decision making process extremely difficult in making protective action recommendations. EMS Staff was able to acquire the necessary resources to address emergency situations as they occurred, but should an evacuation situation have been required, resources would have been depleted very quickly and flooded roadways would have reduced many of our primary evacuation routes. On October 28, 2005 Staff sent a letter to Transportation Secretary Lyndo Tippet expressing our concern about the impact flood waters caused to many of our primary evacuation routes. On December 9, 2005 Secretary Tippet responded and agreed that the situation needed to be examined and assigned District Engineer Dan Cumbo to coordinate a meeting with EMS Staff and the Hydraulics Unit with NCDOT. Local municipalities were invited to participate in a January 12, 2006 meeting to discuss the affected locations and share historical information concerning many of the sites.

At the conclusion of the meeting the Department of Transportation agreed to evaluate some of the select sites. They expressed a concern about being able to properly evaluate 80+ sites across the county and suggested that Staff determine a smaller number (10-12) which could be accomplished in a shorter period of time. EMS Staff evaluated the information provided from all parties and determined that 12 critical sites needed to be our primary focus at this time. This would ensure that our primary evacuation routes were examined thoroughly. The recommended sites are:

4400 Block of Long Beach Road
Brunswick Place/Olde Towne Wynd
George II Highway at the County Water Tower
Highway 211 East of Lockwood Folly Bridge
Highway 87 at Boiling Spring Lakes Bridge

Midway Road near the Shrine Club
Mile Marker 40 - Beaver Dam Area
Ocean Isle Beach Board – First bridge off Highway 17
River Road – 3 miles from Leland
River Road – Dawson Creek Road
River Road – Funston Road
Southport-Supply Road at entrance to St. James

Commissioner Sue moved to approve the list of priority evacuation routes to be examined by the Department of Transportation which were previously affected by flood waters. The vote of approval was unanimous.

13. Emergency Services – Equipment Upgrade to Tone Voice Pagers -- (*Randy Thompson*)

Staff recommends that the Board of Commissioners approve an upgrade in communication equipment for emergency responders.

Randy Thompson, EMS Director explained that Fire Department personnel currently utilize a small device called a Tone/Voice Notification Pager for dispatch assignments. This is the same device that many of our current rescue squads will be provided with as part of the original contract with Smartlink Radio Networks, Inc. Under our current contract with Smartlink Radio Networks, Inc., a large number of the devices currently used by the fire departments could be reprogrammed. A number of their pagers could not be reprogrammed due to the age of the equipment. These units were scheduled for replacement as part of our contract. The units selected to serve as a replacement by the contractor met the requirements and specifications of our contract.

Upon field testing the replacement units and receiving recommendations from the user group, Staff requests to upgrade the Tone Alert Devices prior to replacing the aging equipment. The upgraded device would allow those receiving a unit to have dual tone alert and voice recorder capability. The voice recording option is very important to emergency responders as it allows the responder to play back the dispatch to ensure that the nature of the call and address is verified.

The cost of this upgrade is \$39,412.00. The majority of the funds associated with this request will be returned to the County upon Smartlink negotiating a return of the originally purchased paging devices. This money received will be credited to the County. The remaining funds will be provided to the County from a forthcoming federal grant, which has received federal approval. To move the communication project forward expediently, Staff requests that funds for this project come from funds already allocated to the communications project. The current project is under budget and funds are available to cover this expenditure. Funds are available in our project construction line item to cover the cost. No other funds would be required, other than those already allocated to the project.

Vice-Chairman Norris moved to approve an upgrade in communication equipment for emergency responders. The vote of approval was unanimous.

14. Sewer Transmission Line Reimbursement Agreement – Doe Creek -- (*Marty Lawing*)

Staff recommends that the Board of Commissioners approve a Sewer Transmission Line Reimbursement Agreement between Brunswick County and Doe Creek Plantation, LLC.

Commissioner Sue moved to recuse Vice-Chairman Norris from the Sewer Transmission Line Reimbursement Agreement with Doe Creek. The vote of approval was unanimous.

Marty Lawing, County Manager explained that Thomas Morgan of Doe Creek Plantation, LLC has submitted an Application for Sewer Transmission Line Agreement to construct an eight inch sewer transmission line on Stone Chimney Road to serve a proposed 149 unit single-family residential major subdivision on a 75 acre tract.

The project will include approximately 6900 linear feet of sewer force main from the proposed site to a suitable connection point at NC Highway 211. A preliminary cost estimate for this extension is not available at this time. In keeping with County's Sewer Use Ordinance, when the project is completed the developer would be eligible for up to 100 percent of the actual construction costs for the transmission line only, less the credit for residential equivalent units constructed by the developer. The project engineer would be required to comply with the formal bidding procedure provisions of the NC General Statutes regulating public contracts. A certified bid tabulation and a copy of the construction contract must be submitted to the County prior to construction.

Upon completion of construction, the Developer will dedicate the line to the County for ownership, operation and maintenance and be eligible for reimbursement of construction costs based on the number of residential equivalent units connecting to the line for a period of ten (10) years from the date of this agreement. The County will collect a Sewer Transmission Capital Recovery Fee for each REU connected to the transmission line. The Developer shall also be responsible for paying the Sewer Transmission Capital Recovery Fee, which shall be credited against the actual total transmission line construction costs.

Commissioner Sue moved to approve the Sewer Transmission Line Reimbursement Agreement between Brunswick County and Doe Creek Plantation, LLC. The vote of approval was unanimous (4 ayes) Norris recused.

15. Town of Leland – Water Agreement - (*Marty Lawing*)

Staff recommends that the Board of Commissioners approve a wholesale water purchase agreement between Brunswick County and the Town of Leland for water.

Marty Lawing, County Manager explained that the Town of Leland has formally requested an agreement to purchase treated water on a wholesale basis from Brunswick County. The staffs of both entities have negotiated the terms of an agreement. The Town of Leland has previously approved the agreement contingent upon adoption by the County Commissioners. The terms of the agreement include the following:

- The County will provide potable water to the Town in an amount up to but not exceeding 500,000 gallons per day.
- The maximum number of wholesale meters shall be two (2).
- The Town will install the meters at its own expense.
- The County will operate and maintain the meters at its own expense.
- The County will bill the Town by the 10th day of each month and the Town shall pay by the 20th day of each month.
- Town will collect a capital recovery fee for all new Residential Equivalent Units upon issuance a building permit and remit the fee(s) collected to the County by the 15th day of the following month.
- Initial Capital Recovery Fee proposed is \$860.00 per REU and may be adjusted higher or lower, and shall be the same as charged to other wholesale water customers of the County.
- Town of Leland will install the metering equipment in accordance with County requirements at its own expense and dedicate to the County for operation and maintenance.

- The initial term of the agreement shall be forty (40) years from the date of initial delivery of water to the Town and renewed or extended for such term or terms agreed upon by the County and Town.
- Restricts the use of capital recovery fees for capital costs for future expansion of the County water treatment and delivery system.
- County retail customers annexed by the Town shall remain County customers and the County agrees not to serve retail customers within the town limits but may construct transmission lines through the Town limits if necessary.

Commissioner Sue moved to approve the Wholesale Water Purchase Agreement between Brunswick County and the Town of Leland subject to approval of the revisions by the Town of Leland. The vote of approval was unanimous.

16. Shallow Inlet Dredging Project -- (Marty Lawing)

Staff recommends that the Board of Commissioners approve funding for the local cost share of the AIWW Shallow Draft Inlet Dredging Projects for the Lockwood Folly and the Shallotte River in the amount of fifty percent (50%) of the local share, but not more than \$125,000, contingent upon the State funding commitment and the actual construction bids.

Marty Lawing, County Manager explained that the U.S. Army Corps of Engineers has proposed a project to improve the accessibility and navigation of eight AIWW inlet crossings in North Carolina. Two of the crossings are in Brunswick County, the Lockwood Folly Inlet and the Shallotte River Inlet. A total of \$2.6 million has been designated for the eight dredging projects. Preliminary construction cost estimates for the Brunswick projects range from \$450,000 to \$550,000 for each project with a construction period of 15 days each.

In recent years these two inlets have presented some navigation challenges for certain vessels, especially during low tide. It is very important to complete the bidding, award contracts and allow ample time for construction to be completed prior to May 1, 2006 when the turtle nesting season begins. As a result, the federal emergency funds for this project have been designated and released. The State of North Carolina, Division of Water Resources, has informally committed to fund fifty percent (50%) of the remaining construction cost. At this point, this commitment has not been formalized. It may not be made formal until the bids are received.

The Town of Holden Beach and the Town of Ocean Isle Beach have indicated interest in funding the local share and have requested that Brunswick County participate in the local cost share. Based on the preliminary cost estimates and assuming that the State will commit to cover 50% of the remaining costs, the local share would be approximately \$125,000 for each project or a total of \$250,000. One-half of the local share would be \$125,000.

In order to solidify the local funding and avoid project delays, if the Board is interested in participating in this project, a decision needs to be made at the February 6, 2006 meeting contingent upon the funding commitment from the State and the actual construction bids. It is anticipated that the dredging will be done under an existing Corps of Engineers permit.

Ann Hardy, Fiscal Operations Director explained that funds would come from Contingency.

Commissioner Moore moved to approve funding for the local cost share of the AIWW Shallow Draft Inlet Dredging Projects for the Lockwood Folly and the Shallotte River in the amount of fifty percent (50%) of the local share, but not more than \$125,000 contingent upon the State funding commitment and the actual construction bids and approve the associated Budget Amendment. The vote of approval was unanimous.

VIII. BOARD APPOINTMENTS

1. Nursing Home Advisory Committee – (1 At-Large Appointment)

Commissioner Moore nominated Fran Dolan. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Commissioner Sue moved to approve the appointment of Fran Dolan. The vote of approval was unanimous. Ms. Dolan served an initial one-year term and was reappointed to serve a three-year term that will expire February 1, 2009.

2. Southeastern Mental Health – (1 Appointment) (Tabled under Adjustments to the Agenda)

IX. COUNTY ATTORNEY'S REPORT

1. Refund of Excise Stamps

To approve a total refund of Excise Stamps on a conveyance.

Huey Marshall, County Attorney explained that the Board approved a refund of 51% of some Excise Taxes on deeds executed earlier in the year at the December 19, 2005 Regular Meeting. After speaking to the North Carolina Department of Revenue, it appears that the preferred method of refunding the tax is for the County to pay the entire amount, and then take as a credit the 49% refund paid to the taxpayer from the amounts collected by the County to be remitted to the State in the future. Staff requests approval of a refund of \$3,228.

Commissioner Rabon moved to approve the total of \$3,228 for Refund of Excise Stamps. The vote of approval was unanimous.

2. Deed of Dedication & Lien Waiver – Monks Island

To approve a Deed of Dedication & Lien Waiver from Purvis Therrell Properties, LLC and Therrell Properties, LLC reference Monks Island.

Huey Marshall, County Attorney explained that these installations have been completed and are ready for acceptance into the County System.

Commissioner Rabon moved to approve the Deed of Dedication & Lien Waiver from Purvis Therrell Properties, LLC and Therrell Properties, LLC for Monks Island. The vote of approval was unanimous.

2a. Resolution Requiring Grantee's Address on Certain Conveyances (Added under Adjustments to the Agenda)

Huey Marshall, County Attorney explained that a Hearing was held referencing Deleting Parcel Numbers from Deeds Prior to Recordation. Staff requests that all instruments of conveyance with the exception of deeds of trusts and mortgages shall contain on the face of the instrument, the name and address of the grantee or the agent of the grantee and that the Register of Deeds cannot accept for recordation any instrument described above without that name and address. A Public Hearing was held on December 19, 2005 and Staff requests approval of this Resolution to bring the County into compliance with other Register of Deeds across the State.

Commissioner Sue moved to approve the Resolution Requiring Grantee's Address on Certain Conveyances. The vote of approval was unanimous.

RESOLUTION REQUIRING GRANTEE'S ADDRESS

ON CERTAIN CONVEYANCES

WHEREAS, the laws of North Carolina allow for the local government to place requirements on instruments that are to be recorded in volumes of the land records for the County, as set out in NCGS § 161-30, and

WHEREAS, these requirements are to assist the functions of the local government in regulation, taxation and ordinance compliance, and are subject to revision and amendment at the discretion of the local government, and

WHEREAS, heretofore, the local government of Brunswick County has placed certain requirements on conveyance instruments, it now appears that with the advent of electronic recording, certain changes will implement the advance of recording techniques.

NOW THEREFORE, THE BRUNSWICK COUNTY BOARD OF COMMISSIONERS ARE RESOLVED, that commencing on January 4, 2006, all instruments of conveyance, with the exception of deeds of trust and mortgages, shall contain on the face of the instrument the name and address of the grantee, or the agent of the grantee, and that the Register of Deeds of Brunswick County cannot accept for recordation any instrument described above without that name and address. All other ordinances or resolutions of this nature are hereby repealed.

This the 6th day of February, 2006.

s/David R. Sandifer, Chair
Brunswick County Commissioners

Attest:

s/Deborah S. (Debby) Gore, Clerk to the Board

3. Closed Session 8:18 p.m.

Commissioner Rabon moved to enter Closed Session pursuant to NCGS 143-318.10 to discuss Attorney/Client matters, Real Property matters and Personnel issues. The vote of approval was unanimous.

BREAK

Chairman Sandifer called a ten-minute break.

RECONVENED 9:37 p.m.

Chairman Sandifer called the Open Session back to order and announced that no action was taken in Closed Session.

X. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discuss.

XI. ADJOURNMENT

Commissioner Sue moved to adjourn the Regular Meeting at 9:38 p.m. The vote of approval was unanimous.

David R. Sandifer, Chairman

Deborah (Debby) Gore, Clerk to the Board

